

1999 SUPPLEMENT BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

This supplement to the Board for Professional Engineers and Land Surveyors 1998 Sunset Review Report updates the statistics and supporting information in the 1998 report. When appropriate, page number referrals to the 1998 Report are included. The Sunset Report is also published on the Board's web page at <http://www/dca.ca.gov/pels>. It has been updated to reflect the 1999 changes.

The following text discusses some of the issues the Board has addressed since the 1998 report was prepared, therefore, no page number referrals are given.

Budget Update

The Board projects its fund reserve will experience a deficit in FY 2001/02. During the last ten years, the Board has not raised its licensing and examination fees to keep up with increased costs. From FY 1994/95 to FY 1997/98, the Board also experienced an average yearly decline in application fee revenue of ten percent or \$221,000 per fiscal year. Expenditure cuts and savings plans have been instituted to keep up with increased costs. The Board is now in the process of preparing fee increase legislation to be introduced in the year 2000. If this legislation is enacted and becomes effective January 1, 2001 and the necessary regulation changes are approved, the Board fund will experience a revenue increase in FY 2001/02 to bring it to at least a three-month reserve.

Board Policy Resolutions

In early 1995, the Board for Professional Engineers and Land Surveyors decided to formalize its opinions and policies on various aspects of the Professional Engineers Act, the Professional Land Surveyors Act, and the Board Regulations, as well as on its own internal management policies, as Board Policy Resolutions. Before issuing these policy resolutions, the Board's attorneys researched the matter to determine if the Board could do so without adopting the opinions as formal and binding regulations. Based for the most part on the holdings in Skyline Homes, Inc. v. Department of Industrial Relations [(1985) 165 Cal.App.3d 239], the Board's attorneys opined that policy resolutions would not need to be adopted as formal and binding regulations as long as they (1) are not intended to amend, supplement, or revise any express statute or regulation concerning professionals subject to licensure by the Board; (2) are merely restatements of existing law and are intended only for clarification; (3) are not intended to implement, interpret, or make specific the law enforced or administered by the Board; and (4) are not intended to govern the Board's procedures.

The intent of the Board in issuing policy resolutions was to provide answers to commonly asked questions about existing statutes, regulations, and procedures. The Board did not intend for the policy resolutions to be treated as new laws or to be viewed as binding opinions. They were simply to be restatements of existing laws or the only legally tenable statement of law. Unfortunately, members of the professions, consumers, and governmental agencies did not accept them as such and began to treat the policy resolutions as binding laws which would be enforced by the Board. When the Board realized this was happening, it directed its attorneys to again look into the issue of policy resolutions and whether they needed to be adopted as regulations.

While the Board's attorney was researching this issue, the Office of Administrative Law (OAL) issued a determination that the specific subject covered by one policy resolution constituted an underground regulation. It is important to note that OAL did NOT address the general issue of whether policy resolutions are underground regulations; OAL only addressed the specific subject of the policy resolution on the Fields of Expertise between Civil Engineers and Geologists.

The Board's attorney has recently advised the Board that a 1996 California Supreme Court ruling, Tidewater Marine Western, Inc. v. Victoria L. Bradshaw, as Labor Commissioner [(1996) 14 Cal.4th 557], has narrowed the instances in which an agency may issue opinions or procedures without adopting them as regulations. Based on this new ruling, the Board's attorney advised the Board to review all of its existing policy resolutions to determine which ones should be adopted as formal and binding regulations, which ones were no longer necessary, and which ones would still meet the newly narrowed instances in which a regulation would not be needed. The Board directed staff and its attorneys to begin this review and provide recommendations to the Board. The recommendations were made at its September 1999 meeting, when the Board voted to withdraw nine policy resolutions, in addition to two previously withdrawn.

These policy resolutions were withdrawn because the topics addressed are no longer at issue, have already been addressed in regulation or statute, or need to be adopted as a regulation. The remaining eleven are still being reviewed by the Board's attorneys for discussion at the November and December meetings.

Enforcement

The Enforcement Unit staff processed 195 complaints, issued 8 letters of warning and held 5 informal hearings. The Board also issued ten citations and processed two criminal actions. Restitution in the amount of \$24,525 was ordered returned to consumers. Information on Board disciplinary actions is now on the Internet.

Outreach

The Board has two forms of outreach. The college outreach program provides information regarding initial licensing and examination issues to college students and professors. Board staff attended college outreach meetings at fifteen California campuses, speaking to more than 500 students.

The enforcement outreach program addresses practice-related issues, the complaint process, laws, and regulations. Staff members have made presentations to over twenty city and/or county government agencies and various professional society members about engineering and land surveying issues. Attendees of enforcement outreach presentations receive a packet of information including a copy of the Board's laws and rules publication, the *Consumer Guide to Engineering and Land Surveying*, and the *Guide to Engineering and Land Surveying for City and County Officials*. In the event of a natural disaster, Board staff is always prepared to speak to groups affected; in 1999 there was one flood forum where consumers were able to find out how to locate and hire a licensed engineer or land surveyor to help them deal with the effects of flooding.

Retired Status

In 1999 the Board proposed legislation creating a retired status. The language was included in the Senate Business and Profession Committee's omnibus bill, Senate Bill 1307. The bill passed both houses and was sent to enrollment on September 22, 1999.

Y2K Compliance

The Board has been active in diagnosing and remediating year 2000 (Y2K) concerns. Several databases were analyzed and tested and all proved to be compliant. The telephone systems, the heating and air conditioning systems, and various other pieces of equipment were identified as essential, and testing indicated all are Y2K compliant.

Consumer Information on the Internet

This Spring the Board's licensee lookup site was added to the website. Consumers are now able to verify information about licensees directly, rather than calling or writing to the Board. The website also includes the Board's laws and rules, Board meeting agendas and minutes, the Consumer Guide, reports of disciplinary actions, information on how to file a complaint, the complaint form, the Plain Language Pamphlet, examination schedules, and exam statistics. Many people filing complaints with the Board have indicated that they have obtained information on the complaint process and copies of the complaint forms from the Internet. In addition, people with questions concerning Board laws and functions

now have a direct link to request information from staff via the e-mail addresses provided on the website.

Licensing and Examinations

This year the Board updated the test plan for the traffic engineering examination and is planning to update the land surveying, structural, geotechnical and special civil engineering exams within the next two years. The Board administered 16,227 examinations during FY 98/99.

The 1998 professional land surveyor examination had a 1.9% pass rate. This year, the Board convened a focus group to identify any and all factors that contributed to the low pass rate. The group included college professors of land surveying, representatives of professional land surveyor organizations, recently licensed land surveyors, and individuals who failed the 1998 exam. An independent facilitator conducted the meeting and acted as a buffer between the various groups.

During the discussions, the group reached three main conclusions:

- 1) It appeared that the examination was fair and covered appropriate entry-level questions.
- 2) The candidates appeared to be deficient in either education or broad-based experience.
- 3) It appeared that more time should be allowed to complete the examination in the future.

The Board responded to the third issue by adding more time to the 1999 exam. Candidates and professional societies were notified of the change through the Board's regular communications and outreach programs. The pass rate for the land surveyors examination rose from 1.9% (nine individuals) in 1998, to 14.4% (84 individuals) in 1999. The Board is continuing to evaluate the Land Surveyor exam and the education and experience requirements. For more information, see p. 9 and p. 60 of the 1998 Report.

Licensing Data (Refer to: p. 2-3 in 1998 Report)

At the end of Fiscal Year 1998/99, there were approximately 86,273 active engineering licenses and 3,801 active land surveying licenses. Although the **total** licensee population has remained constant, the **title act** licensee population has declined by 14% between FY 1995/96 to FY 1998/99. Most notably, Industrial Engineering has decreased by 27%.

Table 1, on the following page, provides licensing data for the past four years.

Table 1 - Licensing Data 1999 UPDATE
(Refer to: p. 3 in 1998 Report)

LICENSING DATA		FY 1995/96	FY 1996/97	FY 1997/98	FY 1998/99
Registered Licensees (Type)*		Total: 89,995	Total: 91,045	Total: 90,205	Total: 90,074
Civil		40,799	41,510	41,869	42,733
Geotechnical		1,147	1,259	1,168	1,184
Structural		3,070	3,029	3,101	3,175
Electrical		8,106	8,351	8,324	8,160
Mechanical		15,048	15,249	15,373	15,487
Land Surveyor		3,776	3,704	3,809	3,801
Title Acts	Agricultural	354	341	309	309
	Chemical	2,275	2,306	2,116	2,128
	Control System	2,931	2,902	2,686	2,448
	Corrosion	631	632	516	521
	Fire Protection	944	957	868	866
	Industrial	1,176	1,179	1,174	861
	Manufacturing	1,942	1,915	1,825	1,576
	Metallurgical	574	581	577	573
	Nuclear	1,302	1,283	1,081	1,086
	Petroleum	533	534	543	544
	Quality	2,455	2,407	2,221	1,963
	Safety	1,557	1,526	1,298	1,256
	Traffic	1,335	1,380	1,347	1,403
	**Applications For Exams		Total: 15,100	Total: 14,360	Total: 12,246
Professional Engineer		7,434	7,744	5,786	6,409
Land Surveyor		691	557	530	608
Structural		371	384	343	334
Geotechnical		103	77	96	93
EIT/LSIT		6,501	5,598	5,491	5,410
***Licenses Issued (Type)		Total: 5,434	Total: 5,945	Total: 4,907	Total: 3,959
Civil		1,422	1,807	1,292	954
Geotechnical		42	30	32	23
Structural		56	80	106	77
Electrical		211	294	281	178
Mechanical		461	295	456	242
Land Surveyor		60	106	124	9
Agricultural		2	3	2	1
Chemical		75	40	63	27
Control Systems		18	10	14	16
Corrosion (eliminated 1/1/99)		6	7	3	7
Fire Protection		26	23	19	26
Industrial		8	1	5	3
Manufacturing		2	1	1	0
Metallurgical		5	1	7	4
Nuclear		0	3	0	3
Petroleum		1	4	13	8
Quality (eliminated 1/1/99)		2	3	2	5
Safety (eliminated 1/1/99)		7	5	4	8
Traffic		27	58	46	52
EIT Certificate		2,868	2,296	2,331	2,124
LSIT Certificate		135	176	97	192
Renewals Issued		Total: 24,875	Total: 24,273	Total: 21,974	Total: 19,295

* Numbers from Teale Status Code Report, July 1st statistics for respective years.

** Numbers from actual cashiering statistics.

*** Numbers from manual and automated license-issued log.

Budget Updates

Revenues and Expenditures*- 1999 Supplement

* Figures based upon Calstars Month 13 reports.

(Refer to: p. 5 in 1998 Report)

REVENUES	ACTUAL				PROJECTED	
	FY 95-96	FY 96-97	FY 97-98	FY 98-99	FY 99-00	FY 00-01
App Exam/License Fees	1,973,664	1,788,557	1,599,921	1,676,908	1,719,945	719,945
Renewal Fees	3,606,133	3,457,335	4,215,429	3,088,453	3,056,000	3,125,440
Delinquency Fees	62,410	55,845	53,468	56,434	56,000	56,000
Duplicate License/Cert	3,720	3,510	4,960	3,880	8,000	8,000
Fines (Citations)	-	500	350	0	0	0
Other Misc. Income	22,237	18,559	11,629	27,440	21,000	21,000
Interest	202,813	210,459	225,270	294,677	213,000	142,000
Legal Fees: Reimbursement	-	936,974	-	2,944,252	0	941,000
TOTAL REVENUE	5,870,977	6,471,739	6,111,027	8,092,044	5,073,945	6,013,385
OTHER REIMBURSEMENTS	39,453	53,453	34,335	73,753	16,000	16,000
TOTAL RECEIPTS	\$ 5,910,430	\$ 6,525,192	\$ 6,145,362	\$ 8,165,797	\$ 5,089,945	\$ 6,029,385

EXPENDITURES	FY 95-96	FY 96-97	FY 97-98	FY 98-99	PROJECTED	
					FY 99-00	FY 00-01
Personnel Services	2,308,690	2,226,095	2,302,850	2,129,709	2,323,624	2,427,430
Operating Expenses	3,732,195	4,202,648	4,053,375	4,825,267	4,728,889	5,128,889
TOTAL OE & E AND PS	6,040,885	6,428,743	6,356,225	6,954,976	7,052,513	7,556,319
(-) Reimbursements***	<39,543>	<53,453>	<34,335>	<16,000>	<16,000>	<16,000>
(-) Distributed Costs:						
Central Admin ProRata	<176,700>	<133,279>	<67,901>	<131,824>	<142,370>	<148,065>
DCA ProRata	<675,939>	<713,122>	<685,072>	<672,406>	<726,128>	<755,246>
TOTALS				\$6,134,746	\$6,167,945	\$ 6,637,008

*** Reimbursement expenditure authority is \$16,000.

Expenditures by Program Component 1999 Supplement

(Refer to: p. 6 in 1998 Report)

EXPENDITURES BY PROGRAM COMPONENT	FY 95-96	FY 96-97	FY 97-98	FY 98-99	Average % Spent by Program
Examinations	3,400,428	3,535,808	3,877,296	3,616,588	56%
Enforcement	1,871,782	2,442,923	2,097,555	2,781,990	36%
Licensing	768,675	450,012	381,374	556,398	8%
TOTALS	6,040,885	6,428,743	6,356,225	6,954,976	

Analysis of Fund Condition 1999 Supplement
(Refer to: p. 6 in 1998 Report)

ANALYSIS OF FUND CONDITION	Actual			Projected		
	FY 96-97	FY 97-98	FY 98-99	FY 99-00	FY 00-01	FY 01-02
Beginning Reserve, July 1	2,816,176	3,100,673	3,122,969	4,251,697	2,150,129	227,195
Prior Year Adjustments	188,827	239,529	(71,471)			
Total Adjusted Reserves	3,005,003	3,340,202	3,051,498	4,251,697	2,150,129	227,195
Revenue						
License Fees*	5,324,305	5,885,757	4,853,115	4,944,945	4,930,385	6,000,000
Reimbursements	53,454	34,335	73,753	16,000	16,000	16,000
Interest**	210,459	225,270	294,678	213,000	142,000	0
Legal Fee Reimbursement	936,974		2,944,252		941,000	
Land Surveyor Regulations					(35,000)	(35,000)
SB 1307, 1999, Retired Status					(123,000)	(75,000)
AB 969, Chap. 59, 1997			(10,000)	(10,000)	(10,000)	(10,000)
Total Rev. & Transfers	6,525,192	6,145,362	8,155,798	5,163,945	5,861,385	5,896,000
Total Resources	9,530,195	9,485,564	11,207,296	9,415,642	8,011,514	6,123,195
Expenditures						
Budget Expenditure***	6,428,743	6,356,225	6,954,976	7,052,513	7,556,319	7,556,319
Y2K (Year 2000 Upgrades)		754	623	408,000		
Integrated Consumer Protection System					219,000	
BCP - State Comp. Ins. Fund				5,000	9,000	9,000
Board of Control Claim		5,616				
Late Chg. - State Controller	779					
Board Savings				(200,000)		
Total Expenditures	6,429,522	6,362,595	6,955,599	7,265,513	7,784,319	7,565,319
Reserve, June 30	3,100,673	3,122,969	4,251,697	2,150,129	227,195	(1,442,124)
MONTHS IN RESERVE	5.8	5.4	7.3	3.6	0.4	(2.3)

* Fluctuations occur because renewals are on four-year cycle.

** Interest earned at 5.60%

*** Budget Increase by 0%

Note: The Board projects its fund reserve will experience a deficit in FY 2001/02. During the last ten years, the Board has not raised its licensing and examination fees to keep up with increased costs. From FY 1994/95 to FY 1997/98, the Board also experienced an average yearly decline in application fee revenue of ten percent or \$221,000 per fiscal year. Expenditure cuts and savings plans have been instituted to keep up with increased costs. The Board is now in the process of preparing fee increase legislation to be introduced in the year 2000. If this legislation is enacted and becomes effective January 1, 2001 and the necessary regulation changes are approved, the Board fund will experience a revenue increase in FY 2001/02 to bring it to at least a three-month reserve.

Enforcement Activity 1999 Supplement (Refer to: p. 11 in 1998 Report)

ENFORCEMENT DATA	FY 1995/96	FY 1996/97	FY 1997/98	FY 1998/99
Telephone Workload	Total: 12,263	Total: 24,397 *	Total: 16,381 *	Total: 30,962
Complaints Opened (by Source)	Total: 279	Total: 325	Total: 245	Total: 195
Public (consumer)	159	99	92	110
Licensees	12	30	23	14
Other (gov't agency, Board)	118	196	130	56
Complaints Opened (By Type) **				
Unlicensed Activity	83	49	36	62
Competence/Negligence	124	143	155	85
Contractual	18	2	7	12
Fraud	19	7	7	3
Other	3	1	6	4
Record of Survey	25	155	71	25
Examination Subversion	43	29	35	30
Complaints Closed	Total: 271	Total: 330	Total: 223	Total: 166
Complaints Pending	Total: 133	Total: 123	Total: 142	Total: 171
Complaints Submitted to the Division of Investigation (DOI) (subset of Complaints Pending)	Total: 30	Total: 23	Total: 20	Total: 15
Compliance Actions	Total: 35	Total: 30	Total: 25	Total: 42
Final Citation - Order of Abatement	3	3	6	3
Final Citation - Order to Pay Fine	0	1	2	3
Cease & Desist/Warning	29	23	15	31
Mediated	3	3	2	5
Referred for Criminal Action ****	Total: 13	Total: 11	Total: 5	Total: 4
Referred to AG's Office *****	24	23	22	24
Accusations Filed	23	22	19	19
Accusations Withdrawn after Filing	2	1	2	0
Accusations Dismissed	1	1	1	1
Stipulated Settlements	Total: 15	Total: 10	Total: 8	Total: 11
Disciplinary Actions	Total: 23	Total: 18	Total: 16	Total: 15
Probation	14	11	9	9
License Suspension Only	2	0	2	0
License Revocation/Surrender	5	7	5	6
Other *****	2	0	0	0

* Telephone Workload: This represents the number of incoming and outgoing telephone calls. FY 96/97 total does not include information from 10/96 and 11/96 due to a computer malfunction; FY 97/98 total does not include 8/97 through 1/98 due to a computer malfunction.

** Complaints can be opened under more than one type; therefore, adding up the various types under Complaints Opened (By Type) will result in an erroneous total.

*** The Board received the authority to issue citations in FY 95/96.

**** Referred for Criminal Action indicates those complaints submitted to the District Attorney's Office for the filing of criminal charges; it does not indicate whether or not the District Attorney actually filed charges.

***** Referred to AG's Office includes the number of cases submitted to the AG's Office for either the filing of an Accusation or a Petition to Revoke Probation; the term Accusations as used in this section also includes Petitions to Revoke Probation.

***** In two separate cases, the Board accepted the surrender of the Civil Engineer registration which authorized the practice of land surveying and issued a new Civil Engineer registration which did not authorize the practice of land surveying.

Enforcement Program Overview (Refer to: p. 12 in 1998 Report)

NUMBER OF COMPLAINTS OPENED, COMPLAINTS CLOSED, COMPLAINTS PENDING, COMPLAINTS REFERRED TO THE DIVISION OF INVESTIGATION, ACCUSATIONS FILED, AND DISCIPLINARY ACTIONS TAKEN				
	FY 1995/96	FY 1996/97	FY 1997/98	FY 1998/99
Complaints Opened	279	325	245	195
Complaints Closed	271	330	223	166
Complaints Pending	133	123	142	171
Complaints Submitted to the Division of Investigation (subset of Complaints Pending)	30	23	20	15
Accusations Filed	23	22	19	19
Disciplinary Actions	23	18	16	15

Note: It is rare that a complaint will be opened, submitted to DOI, closed, have an accusation filed, and have disciplinary action taken all in the same fiscal year.

Case Aging Data (Refer to: p. 12 in 1998 Report)

AGING OF PENDING COMPLAINT INVESTIGATION CASES (includes time at DOI and expert, if applicable)				
NUMBER OF PENDING CASES BY AGE	FY 1995/96	FY 1996/97	FY 1997/98	FY 1998/99
1-30 days	19	20	14	15
31-60 days	16	17	12	21
61-90 days	27	28	24	18
91-120 days	17	6	14	7
121-180 days	10	10	16	16
181-270 days	18	21	42	21
271-365 days	24	11	13	19
Over 365 days	2	10	7	54
TOTAL: PENDING CASES	133	123	142	171
PERCENT 180+ DAYS	33%	34%	44%	55%
PERCENT 365+ DAYS	2%	8%	5%	32%

(Refer to: p. 12 in 1998 Report)

AVERAGE AGE OF PENDING COMPLAINT INVESTIGATION CASES (includes time at DOI and expert, if applicable)				
	FY 1995/96	FY 1996/97	FY 1997/98	FY 1998/99
AVERAGE AGE OF PENDING CASES IN DAYS	139	140	167	267

(Refer to: p. 13 in 1998 Report)

AGING OF CASES AT THE ATTORNEY GENERAL'S OFFICE								
	FY 1995/96		FY 1996/97		FY 1997/98		FY 1998/99	
Pre/Post Accusation Filing *	Pre	Post	Pre	Post	Pre	Post	Pre	Post
0-91 days	5	7	7	5	3	7	4	6
92-182 days	6	1	3	7	1	3	2	5
183-274 days	3	4	0	1	5	1	0	2
275-365 days	0	1	0	5	2	3	2	0
1-2 years	1	2	1	0	1	4	2	6
2-3 years	1	2	0	1	0	0	0	2
Over 3 years	0	0	0	1	0	0	0	1

* Pre-Accusation is calculated based on the date the case is submitted to the AG's Office to June 30 (the end of the fiscal year). Post-Accusation is calculated from the date the Accusation is filed to June 30 (the end of the fiscal year).

Citations and Fines *(Refer to: p. 13 in 1998 Report)*

CITATIONS AND FINES	FY 1995/96	FY 1996/97	FY 1997/98	FY 1998/99
Final Citations - Order of Abatement	3	3	6	3
Final Citations - Order to Pay Fine	0	1	2	3
Amount Assessed	N/A	\$500.00	\$350.00	\$1,250.00
Reduced, Withdrawn, Dismissed	0	0	1	0
Amount Collected	N/A	\$500.00	\$350.00	\$0.00

The Board received the authority to issue citations in FY 95/96.

Enforcement Expenditures *(Refer to: p. 17 in 1998 Report)*

EXPENDITURE CATEGORY	FY 1995/96	FY 1996/97	FY 1997/98	FY 1998/99
Attorney General	\$278,894	\$220,702	\$283,375	\$266,558
Office of Admin. Hearings	67,807	24,776	66,595	66,547
Evidence/Witness Fees	108,878	87,413	90,308	72,217
Division of Investigation (DOI) Investigative Services *	58,997	3,406	15,121	206
TOTAL	\$514,576	\$336,297	\$455,399	\$405,528

* DOI is budgeted and billed as pro-rata. The total year-end expenditures equal the total budgeted amount. For example, if we over-expend the budgeted amount in one year, the budgeted amount in the next year is increased to cover the previous year's expenditures.

Cost Recovery Efforts (Refer to: p. 17 in 1998 Report)

COST RECOVERY DATA	FY 1995/96	FY 1996/97	FY 1997/98	FY 1998/99
Potential Decisions *	24	19	16	16
Decisions Ordering Costs *	13	11	10	8
Amount Requested **	\$63,147	\$75,630	\$58,377	\$102,312
Amount Ordered **	\$46,935	\$59,249	\$34,069	\$74,457
Amount Collected ***	\$28,938	\$22,050	\$20,562	\$5,581

* Potential Decisions are those decisions issued by the Board in administrative disciplinary matters in which cost recovery was requested initially. Cost recovery is not ordered in Default Decisions or when the Accusation is dismissed. Additionally, the Board usually waives recovery of its costs when accepting the voluntary surrender of the license. For example, in 96/97 there were five defaults, one dismissal, and two voluntary surrenders. Cost recovery was not ordered in these cases.

** The difference between amount requested and amount ordered is the amount not ordered by the Administrative Law Judges (ALJs). In ordering recovery of the Board's costs in a Proposed Decision, the ALJs determine the reasonable amount of the costs. There are no guidelines to follow in determining what constitutes reasonable; therefore, the ALJs vary widely on what is considered reasonable.

*** If reimbursement of the Board's investigative and enforcement costs is ordered as a condition of probation, the subject is given a period of time in which to pay or is allowed to make payments. However, if the subject fails to pay in the time required, it is considered a violation of the probationary order. If the Board orders the probation terminated, all of the conditions including the order to pay reimbursement are also terminated. In some cases, rather than terminate the probationary order, the Board will allow the subject additional time to pay. Additionally, if reimbursement is ordered in a decision which orders the revocation of the subject's license, the reimbursement must only be paid if the license is reinstated. The difference between the amount ordered and the amount collected can be explained as follows:

FY 95/96:	\$4,000, failed to pay, probation terminated
	\$5,208, must pay if reinstated
	\$8,790, failed to pay in time required, re-ordered to pay in FY 97/98
FY 96/97	\$37,194, allowed to make payments
FY 97/98	\$7,444, must pay if reinstated
	\$6,063, allowed to make payments
FY 98/99	\$18,000, must pay if reapply
	\$50,876, allowed to make payments

Restitution to Consumers (Refer to: p. 18 in 1998 Report)

RESTITUTION DATA	FY 1995/96	FY 1996/97	FY 1997/98	FY 1998/99
Amount Ordered	\$22,936	\$11,175	\$45,936	\$24,525
Amount Collected *	0	\$5,000	\$30,000	\$24,525

* Restitution may be ordered as a condition of probation. The subject is given a period of time in which to pay or even allowed to make payments. However, if the subject fails to pay the restitution in the time required, it is considered a violation of the probationary order. If the Board orders the probation terminated, all of the conditions including the order to pay restitution are also terminated. In some cases, rather than terminate the probationary order, the Board will allow the subject additional time to pay. Explanations for the difference between the amount ordered and the amount collected follow:

FY 95/96: \$4,500, failed to pay, probation terminated
 \$18,436, failed to pay in time, re-ordered to pay in FY 97/98
FY 96/97 \$6,175, allowed to make payments
FY 97/98 \$2,500, failed to pay, discharged by bankruptcy
 \$13,436, failed to pay, in violation of probation